

Message Text

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ACTION SS-25

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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 8501

C O N F I D E N T I A L SAN JOSE 4212

EXDIS

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS
TAGS: PFOR PGOV CS
SUBJECT: EXTRADITION: ROBERT VESCO

REF: SAN JOSE A-131 (OCTOBER 10, 1974)

1. EMBASSY IS RELUCTANT GIVEN SENSITIVITIES TO APPROACH ASSEMBLY HIERARCHY SPECIFICALLY ON EXTRADITION BILL TIMETABLE. EMBASSY DISCUSSED BILL WITH KEY DEPUTY LATE LAST WEEK WHO SAID FAMILY ASSISTANCE BILL DEBATE IS LIKELY TO FINISH DURING WEEK OF NOVEMBER 12 OR THE FOLLOWING ONE. EXTRADITION BILL IS NEXT ITEM OF BUSINESS ON ASSEMBLY AGENDA AND THERE IS A GOOD DEAL OF POLITICAL PRESSURE INTERESTED IN NOT ALLOWING TI TO SLIP. ON THE OTHER HAND, EMBASSY HAS HEARD FROM HIGHLY PLACED GOVERNMENTAL SOURCE THAT EXECUTIVE MAY MOVE TO POSTPONE DEBATE.

2. PRESIDENT ODUBER MUST SIGN THE LAW WITHIN TEN WORKING DAYS AFTER ASSEMBLY PASSAGE OR RETURN IT TO THE ASSEMBLY WITHIN THAT TIME WITH PROPOSED AMENDMENTS OR WITH HIS VETO.

3. ARTICLE 167 OF THE COSTA RICAN CONSTITUTION SAYS THAT, "IN THE DEBATE AND APPROVAL OF BILLS RELATING TO THE ORGANIZATION AND FUNCTION OF THE JUDICIAL BRANCH, THE LEGISLATIVE ASSEMBLY MUST CONSULT WITH THE SUPREME COURT; IF I DEPARTS FROM THE CRITERIA OF THAT BODY, A VOTE
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OF TWO THIRDS OF THE ENTIRE MEMBERSHIP OF THE ASSEMBLY

IS REQUIRED." CLEARLY THE CONSTITUTION REFERS TO CONSULTATION WITH THE COURT BEFORE THE ASSEMBLY CAN PASS A BILL OF THIS SORT. CONSULTATION WITH THE COURT WAS ACCOMPLISHED IN MID-SEPTEMBER WHEN T OPINED ON THE MERITS OF THE BILL PROPOSED AT THAT TIME. THAT BILL WAS DESIGNED TO REVIVE INTACT THE 1971 (4795) LAW AS A SUBSTITUTE FOR THE "VE NO LAW? FOR REASONS THE EMBASSY REPORTED IN REPAIR, THE CURRENT BILL, SUPPORTED BY THE MAJORITY OF THE JURIDICAL COMMISSION, IS SUBSTANTIALLY DIFFERENT FROM THE BILL BLESSED BY THE COURT AND PRESUMABLY THE COURT SHOULD TAKE ANOTHER READING THIS TIME ON THE NEW VERSION IF A TWO-THIRDS MAJORITY REQUIREMENT IS TO BE AVOIDED IN THE ASSEMBLY. WE HAVE HEARD NOTHING ABOUT ANOTHER OPINION BEING SOUGHT FROM THE COURT.

4. IN VIEW OF THE SUGGESTION THAT JUSTICE MAY BE READY TO MOVE ON ANOTHER EXTRADITION CASE, THE EMBASSY WOULD LIKE TO DRAW THE DEPARTMENT'S ATTENTION TO SAN JOSE 3738 WHICH RECOMMENDED THAT LAWYER EDUARDO ORTIZ ORTIZ BE RETAINED TO DO A STUDY OF THE LEGAL STRATEGY TO BE EMPLOYED IN PRESENTING A NEW CASE. CHARGE PLANS TO SEE ORTIZ SHORTLY AFTER HIS RETURN FROM A EUROPEAN VACATION ON NOVEMBER 6, AND WOULD LIKE TO KNOW WHAT HE CAN TELL HIM. A NEW FACTOR URGES PROMPT AND SERIOUS CONSIDERATION OF THIS EMBASSY PROPOSAL; THE LIQUIDATORS ARE RAPIDLY PREEMPTING ALTERNATE LAWYERS THE EMBASSY MIGHT CHOOSE FROM IN SELECTING COUNSEL. ORTIZ HAS NOT BEEN MENTIONED BY THE EMBASSY AS A POSSIBLE LAWYER FOR THEIR USES AND WE DO NOT PROPOSE TO DO SO, BUT THE POSSIBILITY REMAINS THAT THIS COULD GET OUT OF OUR HANDS. WE CONTINUE TO BELIEVE THAT ORTIZ IS OUR BEST ET.
LANE

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